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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/031,401
Applicant : Olf WILHELM et al
Filed : January 18, 2002
TC/A.U. : 1654
Examiner : Jennifer I. Harle

Docket No. : 2923-482
Customer No. : 6449
Confirmation No. : 2280

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

July 12, 2004

Sir:

In response to the Restriction Requirement mailed June 10, 2004, the applicants hereby elect Group I, namely compound claims 1-7. This election is with traverse, as under the PCT Rules an applicant is entitled to claim both a compound and a method of using the compound in a single application.

Accordingly, it is believed in order to rejoin at least one of Groups II-V with Group I, and in view of the fact that the burden on the Office will not be increased, it is believed in order to rejoin all Groups with the elected Group I. Such action is requested.

The Examiner also required an election of an individual compound/peptide, and in reply to this requirement the applicants hereby elect the compound cyclo[21,29][D-Cys²¹Nle²³Cys²⁹]-uPA₂₁₋₃₀. This election is definitely with traverse, as it is believed that the requirement to elect a single specific compound/peptide as an election of a single invention is clearly contrary to the PCT Rules relating to unity of invention, and this requirement should be withdrawn.

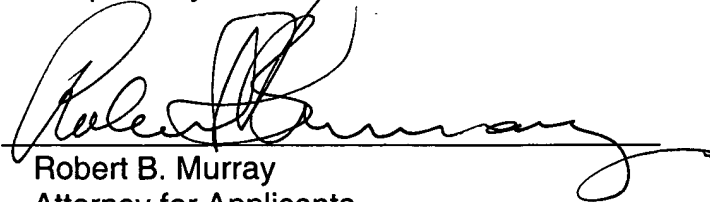
Furthermore, the Examiner appears to be making some unwarranted assumptions with respect to the difference compounds/peptides disclosed and claimed herein. The claimed invention of this application refers to peptides deduced from the receptor-binding region of urokinase which proved to be stable in serum and complete blood (Example 2.3) and in the presence of proteases like plasmin (Example 2.4) by the incorporation of non-natural amino acids. The claimed compounds/peptides thus show common structure and biological properties. In addition, the cyclic peptides of the present claims also show corresponding common biological activities (Example 2.1, 2.2 and Figure 2). Thus, it is clear that the technical relation required by the PCT Rules will be found within the compounds/peptides of the present invention, and for yet this further reason the Examiner's requirement should be withdrawn.

Withdrawal of the Restriction Requirement and early and favorable action on the merits is believed in order and is requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

By



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